

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KIMBERLY DOLBEE,

Plaintiff,

vs.

SAFEWAY, INC., a foreign corporation, dba
Safeway Store #490; and ABC Corporations 1-
10,

Defendants.

NO. 21-2-06132-6 SEA

COMPLAINT FOR PERSONAL INJURIES
AND FOR DAMAGES

Come Now the plaintiff Kimberly Dolbee, by and through her attorneys of record, Paul

A. Spencer and Oseran Hahn, P.S., and states, alleges and complains as follows:

I. PARTIES & JURISDICTION

1.1 Plaintiff. Kimberly Dolbee ("Dolbee") is a single woman. At all times material hereto, Dolbee was a resident of Bellevue, King County, Washington.

1.2 Defendant Safeway Inc. Defendant Safeway, Inc. ("Defendant Safeway") is a duly licensed corporation believed to be organized under the laws of the State of Delaware with its corporate headquarters located in Pleasanton, California. At times relevant hereto, Defendant Safeway actively transacted business throughout the State of Washington and in King County. Defendant Safeway's local Corporate offices are located at 1121 124th Ave NE, Bellevue,

COMPLAINT FOR PERSONAL INJURIES
AND FOR DAMAGES PAGE 1

OSERAN HAHN, P.S.
929 108th Ave NE, Suite 1200
Bellevue, WA 98004
(425) 425-3900; Facsimile (425) 455-9201

1 Washington, in King County. This action pertains to Defendant Safeway Inc. dba Safeway Store
2 #490 operating at 1656 140th Ave NE, Bellevue, Washington 98005.

3 . 1.3 Defendants ABC Corporations. Defendants ABC Corporations 1-10 are believed to
4 operate a retail grocery store in the State of Washington and in King County at 1656 140th Ave
5 NE, Bellevue, Washington 98005.

6 1.4 This court has jurisdiction over defendants because Defendants have actively
7 transacted business in the State of Washington in King County and venue is properly set in King
8 County because the incident at issue occurred in King County Washington on Defendants'
9 business premises.
10

11 II. FACTS

12 2.1 On May 12, 2018, based upon information and belief, Defendant Safeway transacted
13 business as a grocery retail outlet in King County Washington at 1656 140th Ave NE, Bellevue,
14 Washington 98005 under the referenced name Safeway Store #490 (hereinafter the "Bellevue
15 Safeway #490").

16 2.2 As second alternative or as an additional allegation, the store was operated by
17 Defendant ABC Corporations 1-10 (or one of them) at the same location of 1656 140th Ave NE,
18 Bellevue, Washington 98005.

19 2.3 On or about May 12, 2018, plaintiff Kimberly Dolbee entered into the Bellevue
20 Safeway store to do some light grocery shopping. At all material times hereto Plaintiff Dolbee
21 was an invitee of Defendants.
22

23 2.4 Ms. Dolbee while walking down the aisle in the frozen foods section of the store,
24 suddenly had her feet slip out from underneath her causing her to fall and land on her side, back

1 leg and head. As a direct and proximate result of the fall, Ms. Dolbee sustained serious personal
2 injury.

3 2.5 Plaintiff Kimberly Dolbee was an invited business guest of Bellevue Safeway, or one
4 of the Defendant ABC Corporations, at the time of the incident.

5 2.6 The aforementioned fall was caused in whole or in part by water located on the floor
6 in front of the frozen food coolers.

7 2.7 Based upon information and/or belief the water on the floor appeared to be a result of
8 some type of defective or errant packaging, ice from the adjacent coolers that had fallen out and
9 melted or careless maintenance on the part of Defendant Bellevue Safeway #490 employees or
10 one of the Defendant ABC company employees.

11 2.8 Defendant Safeway or one of the Defendant ABC company employees knew, or in
12 the exercise of reasonable care, should have known, of the water hazard in the aisle.

13 2.9 Defendant Bellevue Safeway #490 or one of the Defendant ABC company employees
14 should have cleaned up or dried out the area at issue or warned Dolbee and other shoppers of the
15 water hazard. There were no warnings of the water in the aisle were Ms. Dolbee fell.

16 2.10 Immediately following the fall, emergency services were called and Ms. Dolbee was
17 transported to the Overlake Hospital Emergency room.

18 2.11 Defendant Bellevue Safeway #490 employees knew or should have known of the
19 dangerous condition that existed on the floor where Plaintiff fell. Accordingly, Defendants'
20 employees should have cleaned up the condition or warned invited guests of the Bellevue
21
22 Safeway Store #490 of the condition.

2.12 Defendant Bellevue Safeway #490 or the other named defendants are responsible for the actions or inactions of their employees at the time of the fall which is the subject of this complaint.

2.13 Defendant Bellevue Safeway #490 employees were aware of the water hazard or should have been aware of the hazard at the time of Ms. Dolbee's fall.

2.14 Defendants employees both failed to correct this hazardous condition and/or failed to warn Ms. Dolbee of this hazardous condition. As a direct and proximate result of this failure Ms. Dolbee sustained serious personal injury and related damages.

2.15 Defendant Bellevue Safeway #490 or the ABC Company were negligent because their employee(s) allowed a dangerous condition to exist on their premises, which they were aware of or should have been aware of. As a direct and proximate result of Defendants' employee's negligence, Ms. Dolbee was damaged and incurred medical special damages and general damages in amounts that will be proven at the time of trial.

2.16 Ms. Dolbee was not at fault in any way for the fall at issue that occurred in May of 2018 and which is the subject of this lawsuit.

III. CAUSES OF ACTION

Plaintiff Kimberly Dolbee incorporates by reference all of the allegations and statements contained in Paragraphs 1.1 through 2.16 of this Complaint and further alleges:

3.1 As a result of the presence of the water or other substance on the floor/aisle of the Bellevue Safeway store, the floor/aisle was not reasonably safe.

1 3.2 Defendant Bellevue Safeway #490 employees, knew or by using ordinary care should
2 have known of the condition set forth in paragraph 3.1. Ordinary care is inclusive of, but not
3 limited to:

4 (a) Providing a slip resistant floor;
5 (b) Having employees or agents of the Bellevue Safeway #490 visually
6 inspect the floor/aisle in a timely manner;
7 (c) Having employees or agents of the Bellevue Safeway #490 physically
8 mop, clean and/or wipe up the floor/aisle in a timely manner; and
9 (d) Provide warning signs when and where slip and fall hazards exist on the
10 floor/aisle.

12 3.3 The Defendant Bellevue Safeway through its employees failed to use ordinary
13 care to (1) avoid creating the aforesaid condition; (2) failing to remove the aforesaid condition
14 once it was created; (3) failing to post warning signs or barricades and/or (4) failing to warn the
15 plaintiff Kimberly Dolbee of the aforesaid condition.

16 3.4 As a direct and proximately result of the acts and omissions of defendants'
17 employees, as herein alleged, the plaintiff Kimberly Dolbee was injured and damaged, to wit:
18 the plaintiff Kimberly Dolbee suffered injuries to her body including, but not limited to her right
19 ankle, leg, hip, shoulder, back and arm; her damages are permanent in nature.
20

21 3.5 As a direct and proximate result of Defendants' negligence through their employees
22 conduct, Ms. Dolbee suffered medical special damages, wage loss and other general damages in
23 amounts to be proven at the time of trial. Moreover, Ms. Dolbee will continue to suffer damages
24 in the future and has incurred and will in the future incur medical expenses for the treatment and

care of her aforesaid injuries; and she has incurred and will continue to incur loss of income and other benefits of employment all in amounts to be proven at the time of trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief against Defendants:

A. Judgment against them for such medical special damages incurred by Plaintiff Dolbee to date and for such medical special damages as are to occur in the future in amounts to be proven at the time of trial;

B. Judgment against them for such wage and income loss incurred by Plaintiff Dolbee to date and for such wage and income loss as may occur in the future in amounts to be proven at the time of trial;

C. Judgment against them for such general damages incurred by Plaintiff Dolbee to date and for such general damages as are to occur in the future in amounts to be proven at the time of trial; and

D. For such other and further relief as the court deems just and equitable.

Dated this 10th day of May, 2021.

/s/ Paul A. Spencer

Paul A. Spencer, WSBA #19511
Attorney for Plaintiff

**COMPLAINT FOR PERSONAL INJURIES
AND FOR DAMAGES PAGE 6**

OSENAN HAHN, P.S.
929 108th Ave NE, Suite 1200
Bellevue, WA 98004
(425) 425-3900; Facsimile (425) 455-9201